

REMARKS

This is in response to the Official Action currently outstanding in the above-identified application, which Official Action the Examiner has designated as being FINAL.

At the outset, Applicants wish to thank the Examiner for the courtesy that he accorded to their undersigned representative during a telephone interview conducted in the above-identified application on 9 November 2009. As indicated in the Examiner's Interview Summary, the outstanding rejection of Claim 1 was discussed during the interview (particularly the last two sections thereof) and it was agreed that the prior art relied upon by the Examiner did not disclose the final limitation.

More specifically, Applicants' undersigned representative indicated to the Examiner that Applicants have been unable to locate support in the specification of the cited Tsumagari reference for the video contents being sectioned based on units of time, grouped and stored. Applicants' undersigned representative also indicated to the Examiner that Applicants have not been able to locate support for the ENAV information being stored so as to correspond to the same units of time as the video contents. Furthermore, it was pointed out to the Examiner that the portion of the cited reference at paragraph [0103] does not appear to relate to time, but rather clearly relates to the state of the system, and that as such it does not read on the present claims.

In response to a request for clarification of his positions on these issues, the Examiner indicated that he had considered the DVD time standard of each frame as being the claimed unit time. Indeed, the Examiner specifically indicated that the fact that the claim contains the words "based on" and relates to DVD's that have a standardized time frame period allowed him by extrapolation to reach an acceptably supported rejection of Claim 1.

Furthermore, the Examiner agreed that the Tsumagari reference does not provide the support of his rejection that he thought that it did. In this regard, the Examiner suggested that he thought he was really thinking of Paragraphs 208 – 219 as being the support for his rejections. Upon reviewing these paragraphs, however, Applicants' undersigned representative suggested to the Examiner that those portions of the cited art were not any better support for his position than was his reference to paragraph 103. The Examiner eventually agreed with the result that it appeared that the Examiner was without support for his rejection of the limitations of the final paragraph of Claim 1. However, due to the interlocking nature of the wording of the final two paragraphs of Claim 1, it also appeared that Applicants still had to overcome the Examiner's rejection based upon the "based on" language in order to secure allowance.

Accordingly, and in summary, it is Applicants' understanding that the Examiner has taken the positions that (i) the words "based on" in the next to last paragraph of Claim 1 are not acceptable because they are broad enough to cover an extrapolation from the well-known (inherent) time frame established by the DVD standard frame period, and (ii) he agrees that the cited Tsumagari et al reference does not provide adequate support for his position that the last paragraph of Claim 1 is disclosed by the Tsumagarui et al reference. In addition, it is Applicants' understanding that the Examiner has agreed that upon his receipt of an Amendment After Final Rejection Under 37 CFR 1.116, he will reopen prosecution without the need for a Request for Continued Examination in view of his re-consideration of his rejection of the final paragraph of Claim 1. In other words, because the Examiner now agrees that the cited reference does not show (i.e., contain support for his rejection of) the final paragraph of Claim 1, he will be willing to reopen prosecution without the necessity of Applicants filing, and incurring the cost of, a Request for Continued Examination.

Claims 1-19, 22 and 25-30 were pending in the above-identified application at the time of the issuance of the currently outstanding FINAL Official Action. Claims 20, 21, 23 and 24 were canceled previously, without prejudice, by Preliminary Amendment. By the foregoing Amendment, Applicants have amended Claims 1 and 26. No further claims are canceled or withdrawn. Accordingly, in the event that the Examiner grants the entry of the foregoing Amendment, Claims 1-19, 22 and 26-30 will constitute the claims under active prosecution in the above-identified application.

The claims of the above-identified application as they will stand in the event that the Examiner grants the entry of the foregoing Amendment are reproduced above including appropriate status identifiers and showing the changes being made as required by the Rules.

In the currently outstanding FINAL Official Action, the Examiner has:

1. Again acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f) has been acknowledged, and reconfirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents.
2. Re-acknowledged his acceptance of the formal drawings filed on, 13 December 2005.
3. Withdrawn the outstanding rejection of Claims 28 and 29 under 35 USC §101 in view of Applicants' last Amendment
4. FINALLY rejected claims 1-11, 13, 19, 22 and 25-29 under 35 USC §102(e) as being anticipated by Tsumagari (US Published Patent Application No. 2003/0161615).
5. FINALLY rejected Claims 14-18 under 35 USC §103(a) as being unpatentable over Tsumagari in view of Proehl (US Patent No. 6,614,844).

No further comment regarding the remaining items 1-3 above is deemed to be required in these Remarks.

With respect to the remaining items listed above, however, Applicants have the following comments and counterarguments to the positions taken by the Examiner regarding the patentability of the presently amended claims in view of the above-summarized interview.

More specifically, in order to differentiate the currently pending claims from the DVD standard relied upon by the Examiner by extrapolation, amendments have been made to independent Claims 1 and 26 in order to clarify that allowance or prohibition of the manipulation of input is indicated as being based on a "set of start and end positions specifying a scene" instead of the previous wording concerning a unit of time".

Applicants respectfully submit that the foregoing amendments do not raise any so-called "new issue" in this application.

In this regard, Applicants respectfully submit that the Tsumagari et al reference describes in paragraph [0103] the manipulation input being allowed or prohibited "when in a certain condition". That is, the Tsumagari reference describes the state of the system being differentiated, but does not describe time being differentiated. Furthermore, Applicants respectfully submit that note should be taken of the fact that it is not possible, according to the foregoing amended claims, to regard "the state of the system" as being in any way the same as "units of time".

In other words, it should NOT be understood that the description "the manipulation input is allowed or prohibited based on "the state of the system"" suggests that "the manipulation input is allowed or prohibited based on "a certain time frame ("units of time" in the pending claim 1 and "a set of start and end positions specifying a scene" in the amended claim 1)".

Applicants therefore respectfully submit that despite the teachings, disclosures and suggestions in the art available at the time that the present invention was made, the art cited and relied upon by the Examiner is not sufficient in and of itself and/or in combination with the presumed knowledge of one of ordinary skill in the art at the time of the present invention (without the direction of Applicants' specification) to render the claims as hereinabove presented unpatentable (see discussion of agreements of Examiner during interview above). Hence, entry of the foregoing Amendment, reconsideration and allowance of the above-identified application as hereinabove amended in response to this submission is respectfully requested.

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Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: December 18, 2009



SIGNATURE OF PRACTITIONER

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